



Memorandum

TO: Historic Landmarks Commission

FROM: Courtney Damkroger
Historic Preservation Officer

**SUBJECT: TREE REMOVAL PERMIT
TR01-067
HERITAGE TREE NO. HT-10-06
750 REILLY COURT**

DATE: January 27, 2003

APPROVED:

DATE:

BACKGROUND

In September 1988, the City Council adopted Resolution No. 60892 placing 107 trees, including this large Quercus Lobata (Valley Oak, 169 inches in circumference) located at 750 Rielly Court tree, on the Heritage Tree List. In May of 2001, owners Luis and Doris Pacchioni applied for a Tree Removal Permit to remove this ordinance-size tree (56 inches or greater in circumference), as required by the City of San Jose Zoning Ordinance. The subject site is a single-family residence, currently zoned R-1-8 Residential, and designated Medium Low Density Residential (8 DU/AC) on the General Plan Land Use and Transportation Diagram.

ANALYSIS

An outdated certified arborist's report was submitted with the original application, concluding that a foot of soil had buried the oak's root flare, causing extensive internal decay, and recommending removal of the tree. The Tree Removal Permit was noticed for Hearing, and a neighbor notified planning staff that the tree had significance as a "Hang Tree." The Permit was dropped from the hearing, an updated arborist's report was requested and the City Arborist was consulted. On May 20, 2002 the owners submitted an updated report, which continued to recommend removal of the tree. Initially, the City Arborist's office observed healthy growth on the tree and recommended structural pruning rather than removal. But by December of 2002, the City Arborist concluded that the tree had become too great a hazard to the occupants of the home and would require removal. The Tree Removal Permit was recommended for approval at the January 8, 2003 Director's Hearing due to the potentially hazardous situation. No one spoke in favor or in opposition to the permit. Pursuant to Chapter 13.32 of the San Jose Municipal Code the following finding was made:

1. The condition of the tree(s) with respect to disease, danger of falling, proximity to existing or proposed structures, and/or interference with utility services is such that public health or safety requires removal in that the tree is diseased and unstable due to the poor condition of the root system.



RECOMMENDATION

Based upon the above finding, Planning staff recommends that the Historic Landmarks Commission forward a recommendation to the Director of Planning to approve the subject Tree Removal Permit with standard special conditions as follow:

1. Donation to Our City Forest. The applicant shall be required to donate to Our City Forest three 15-gallon trees.
2. The applicant shall be required to provide 35mm Black and White photo documentation of the heritage tree to the City Arborist's Office.

Courtney Damkroger
Historic Preservation Officer

Attachment

- San Jose Municipal Code Chapter 13.32
- Location Map
- Oak-Tree Inspection Report